

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

FISHERMAN'S HARVEST, INC., et al.	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. G-06-069
	§	
PBS&J, et al.,	§	
	§	
Defendants.	§	

**ORDER STAYING CASE PENDING RESOLUTION FROM THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

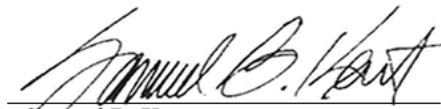
Plaintiffs in this case seek recovery for alleged damages to private oyster leases caused by a United States Army Corps of Engineers dredging project. Plaintiffs previously filed essentially the same claims against essentially the same Defendants in this Court in Cause No. 3:05-cv-151 on March 14, 2005. On November 15, 2005, the Court transferred that action in its entirety to the United States Court of Federal Claims. Plaintiffs in that action appealed this Court's decision to the United States Court of Appeals for the Federal Circuit. That appeal is still pending.

Since the filing of the appeal, the same Plaintiffs brought another cause of action against essentially the same Defendants in the 344th Judicial District of Chambers County. Defendants removed the state cause of action to this Court. Now before the Court is Defendant Weeks Marine, Inc.'s Motion to Dismiss or in the Alternative Transfer, and Plaintiffs' Motion to Remand. Given the fact that this suit is for all practical purposes identical to the suit previously filed, and that the precise issues before this Court have been appealed to the Federal Circuit, all litigation in this case is **STAYED** pending a decision from the Federal Circuit in the original lawsuit. A ruling from the

Federal Circuit is expected and would be instructive to the Court. It would be a waste of judicial resources to proceed in this matter before the Federal Circuit reaches a decision, at which time the Court will be pleased to follow any direction provided by the Federal Circuit.

IT IS SO ORDERED.

DONE this 21st day of March, 2006, at Galveston, Texas.



Samuel B. Kent
United States District Judge